

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4075-03  
Bill No.: HB 1702  
Subject: Concealed Weapon Permits for Retired Peace Officers  
Type: Original  
Date: February 19, 2002

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**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 4 pages.

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## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Department of Public Safety – Director’s Office, – Capitol Police, – Division of Fire Safety, – State Water Patrol, – State Highway Patrol, Office of State Public Defender, Department of Natural Resources, Office of State Courts Administrator,** and the **Department of Conservation** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Greene County Sheriff’s Department** assume there could be some increased work initially, as several retired officers would be applying and the criminal history checks would increase. But this would not make a significant impact on their department. No fiscal impact on their department is anticipated with the passage of this legislation.

Officials from the **Department of Mental Health (DMH)** assume all fiscal issues impact the county sheriffs. There is no direct authority to act nor responsibilities given to the DMH under this bill. DMH assumes they would not be involved in the actions of section 571.096.1(6) but that such information would come to the sheriff from the local court.

Officials from the **Office of Prosecution Services** assume prosecutors could absorb the costs of the proposed legislation within existing resources.

Officials from the **Department of Corrections (DOC)** assume they cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY01 average of \$3.34 per offender per day, or an annual cost of \$1,219 per offender).

The DOC does not anticipate the need for capital improvements at this time. It must be noted that the cumulative effect of various new legislation, if passed into law, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

FISCAL IMPACT - State Government

FY 2003  
(10 Mo.)

FY 2004

FY 2005

\$0

\$0

\$0

FISCAL IMPACT - Local Government

FY 2003  
(10 Mo.)

FY 2004

FY 2005

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation would allow county sheriffs to issue permits to retired peace officers to carry concealed weapons. Permits would be valid for three years and could be renewed for three years.

QUALIFICATIONS FOR OBTAINING A PERMIT

To qualify for a permit, a retired peace officer must be a U.S. citizen and a resident of Missouri for at least six months, not have pled to or been found guilty of a crime that is punishable by a prison sentence of more than one year, not be a fugitive, not have been dishonorably discharged from the military, not have been adjudged mentally incompetent, and have completed at least 15 years of service and be in good standing at the time of retiring. The permit application must include whether the applicant meets the requirements for obtaining a permit and documentation signed by a physician that the applicant is in good physical and mental health.

ADMINISTRATIVE PROVISIONS

The bill requires the sheriff to conduct a criminal background check when a concealed weapons permit is issued or renewed and to approve or deny a permit application within seven days of receipt. Permit application and renewal fees may not exceed \$25. If the sheriff refuses to issue or renew a permit, the refusal must be in writing and state the reasons for the refusal. The proposal contains an appeals process for aggrieved applicants. The proposal also allows for the automatic revocation of a concealed weapons permit for a violation of the requirements to obtain a permit, failure to maintain peace officer certification, or revocation or suspension of peace officer certification.

DESCRIPTION (continued)

The proposal also exempts retired peace officers holding valid concealed weapons permits from the unlawful use of a weapon statute.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space. This legislation would not affect Total State Revenue.

SOURCES OF INFORMATION

Department of Public Safety

- Director's Office
- Capitol Police
- Division of Fire Safety
- State Water Patrol
- State Highway Patrol

Department of Conservation

Office of State Public Defender

Department of Corrections

Greene County Sheriff's Department

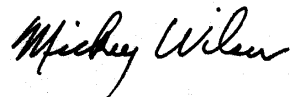
Department of Natural Resources

Office of State Courts Administrator

Department of Mental Health

Office of Prosecution Services

NOT RESPONDING: Boone County Sheriff, Cole County Sheriff, Jackson County Sheriff, St. Louis County Sheriff, St. Louis County Police Department



Mickey Wilson, CPA  
Acting Director

February 19, 2002